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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,507	03/12/2004	Ming - Hwa Shou	OP-093000028	6394

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Yi-Wen Tseng
4331 Stevens Battle Lane
Fairfax, VA 22033

EXAMINER	
CHORBAJI, MONZER R	
ART UNIT	PAPER NUMBER
1744	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/798,507	SHOU ET AL.	
	Examiner	Art Unit	
	MONZER R. CHORBAJI	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This general action is in response to the application filing date of 03/12/2004

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4-6 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by McDonald et al (U.S.P.N. 3,503,703).

Regarding claim 1, McDonald discloses a mobile disinfection device (figure 1) that includes the following: a retractable (col.1, lines 12-15) hollow shield (figure 7:12C) with a plurality of wheels (figure 1:42), a disinfector (figure 4:73, 20 and 12) furnished on an inner surface of the shield and a control unit (figure 7:104) with a control panel (unlabeled panel in 104 in figure 7) located outside the shield.

Regarding claims 4-6 and 10, McDonald discloses the following: the shield includes two ends (unlabeled top end and back end of 12 in figure 1) where at least one end is openable (figure 1:22), the end of the shield is closed (for example, the unlabeled back end of 12 in figure 1 is closed), physical/chemical disinfecting agents (col.7, lines 44-46 and 55 in figure 4) and the controller (figure 7:104) necessarily control power to the disinfector.

3. Claims 11-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Carman et al (US 2002/0182104 A1).

Regarding claim 11, Carman discloses a disinfection device (figure 1) having the following: a base (unlabeled bottom surface of the shipping container shown in figure 1) that is capable of having on its top surface a bed, a disinfector placed on top surface of the base (unlabeled hose laying on top surface of unlabeled bottom surface of the shipping container shown in figure 1) and an inherent controller (for example, the unlabeled gas analyzer shown in figure 1) that provide feedback data for adjusting the parameters of the device.

Regarding claims 12-17, Carman teaches the following: the base is plate (unlabeled bottom surface of the shipping container shown in figure 1 is a plate), the base includes plurality of wheels (unlabeled wheels in figure 1), physical/chemical disinfecting apparatus (corona discharge generator part and catalytic bed destruct unit in figure 1), the use of UV radiation (paragraph 0026) that is capable of generating UV light of 253.7 nm and a necessary controller that is capable of operating power of the disinfector.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald et al (U.S.P.N. 3,503,703) as applied to claim 1 and further in view of Burke et al (U.S.P.N. 6,109,283).

Regarding claims 2-3, McDonald fails to teach that his retractable hollow shield is made up of plurality of casings connected to each other through a rail structure. Burke discloses a retractable shield (col.1, lines 10-12) made up of plurality of casings (for example, casing 58 in figure 21) that are connected to each other through a rail connection (figure 2:38) of one casing to a sliding slot of another casing (figure 17:56, 58 and 166). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the retractable shield in McDonald device with Burke's retractable shield, which provides resistant against high winds; yet has a

sufficient strength to support the weight of a service person inspecting it (Burke, col.1, lines 50-54).

8. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald et al (U.S.P.N. 3,503,703) as applied to claim 1 and further in view of Karle (US 2003/0133834 A1).

Regarding claims 7-9, McDonald fails to teach using UV lamps as a source of disinfecting mattresses; however, Karle teaches that within his mobile enclosure assembly (figure 1:10), UV is listed as one of the preferred sterilizing agents to disinfect mattresses (paragraph 0037). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further add UV lamps to McDonald retractable chamber as taught by Karle since UV radiation is an effective treating agent against chemical contaminants (Karle, paragraph 0037).

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald et al (U.S.P.N. 3,503,703) in view of Karle (US 2003/0133834 A1) as applied to claim 7 and further in view Burke et al (U.S.P.N. 6,109,283).

McDonald fails to teach the use of UV lamps and also fails to teach that his retractable hollow shield is made up of plurality of casings connected to each other. Karle teaches that within his mobile enclosure assembly (figure 1:10), UV is listed as one of the preferred sterilizing agents to disinfect mattresses (paragraph 0037). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further add UV lamps to McDonald retractable chamber as

taught by Karle since UV radiation is an effective treating agent against chemical contaminants (Karle, paragraph 0037).

Karle fails to teach that his mobile enclosure assembly is made up of plurality of casings connected to each other. Burke discloses a retractable shield (col.1, lines 10-12) made up of plurality of casings (for example, casing 58 in figure 21) that are connected to each other through a rail connection (figure 2:38) of one casing to a sliding slot of another casing (figure 17:56, 58 and 166). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the retractable shield in McDonald device with Burke's retractable shield, which provides resistant against high winds; yet has a sufficient strength to support the weight of a service person inspecting it (Burke, col.1, lines 50-54).

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carman et al (US 2002/0182104 A1) as applied to claim 11 and further in view of McDonald et al (U.S.P.N. 3,503,703).

Carman fails to teach that his necessary controller is connected to the control unit through a cord; however, McDonald's control unit (figure 7:104) is inherently connected to the controller (unlabeled top surface of 104 in figure 7 where is a screen is drawn) through electrical cords. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Carman's inherent control unit with McDonald's control unit since McDonald places the control unit and controller in one unitary module (figure 7:104) making the entire device more suitable for mobility purposes.

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carman et al (US 2002/0182104 A1) as applied to claim 11 and further in view of Langhart (U.S.P.N. 5,641,463).

Carman fails to teach controlling his disinfection process by using wireless connection to the control unit. Langhart teaches controlling his disinfection enclosure from a remote distance (col.3, lines 19-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further add remote control means to Carman disinfection assembly as taught by Langhart so that personnel can avoid exposure to sterilants while the mobile enclosure is being opened (Langhart, col.3, lines 22-26).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reville (U.S.P.N. 6,604,327) discloses the use of retractable enclosing system while E.T. Long (U.S.P.N. 3,498,742), Dillner (U.S.P.N. 2,360,046) and Higgins (U.S.P.N. 2,375,226) teach retractable sterilization systems.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONZER R. CHORBAJI whose telephone number is (571) 272-1271. The examiner can normally be reached on M-F 9:00-5:30.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GLADYS J. CORCORAN can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRC

GLADYS JP CORCORAN
SUPERVISORY PATENT EXAMINER